

Ruth Harris
3070 High Ridge Road
Stamford, CT 06903

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

Ruth Harris, RN
Registered Nurse License No. E50160
Respondent.

CASE PETITION NO. 940503-10-049

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges dated November 2, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Ruth Harris (hereinafter the "Respondent") which would subject the Respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated November 15, 1995 scheduling a hearing for February 21, 1996. The hearing was reschedule and took place on May 15, 1996 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Department Exhibit 1)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Ruth Harris, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E50160 on September 14, 1987. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all lawful requirements for the retention of her license. (Department Exhibit 1)
3. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1 indicates that the Statement of Charges and Notice of Hearing were delivered by certified mail to the Respondent's address of record on November 24, 1995, and that Notice of Change of Date and Location of Formal Hearing was delivered to the Respondent by certified mail on February 16, 1996.
4. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, May 15, 1996 p. 2)
5. Beginning on or about 1987, the Respondent was employed as a registered nurse at Courtland Gardens Health Center, Stamford, Connecticut. (Department Exhibit 2-C2, C17)
6. From on or about March 1993 to March 1994, while working as a registered nurse at Courtland Gardens Health Center, the Respondent diverted the controlled substance Oxycodone/APAP. The Respondent accomplished the diversion of Oxycodone/APAP by ordering the medication, from the facility's pharmacy, for patients for whom medication orders for Oxycodone/APAP had been discontinued. The Respondent would then, after signing for the receipt of the medication, remove the Oxycodone/APAP and the accompanying controlled drug record from the facility after delivery by the pharmacy. (Department Exhibit 2-C)

7. In written statements to the Department, the Respondent stated she diverted the Oxycodone/APAP to administer to her mother who was experiencing pain from arthritis. (Department Exhibit 2-D)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Ruth Harris held a valid Registered Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 3 of the Statement of Charges alleges that from approximately January 1994 until March 1994 while working as a registered nurse at Courtland Gardens Health Center, Stamford, Connecticut, the Respondent:

- “a. diverted Oxycodone/APAP tablets;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
- c. falsified one or more Controlled Substance Receipt Records.”

The Respondent was not present at the hearing to answer this charge, therefore the Board deems this charge admitted pursuant to §19-2a-18 of the Regulations of Connecticut State Agencies.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in performing usual nursing functions... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings, the Board concludes that the Respondent's conduct as alleged in Paragraph 3 of the Statement of Charges is proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) (6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraph 3 4 of the Statement of Charges, the Respondent's registered nurse license, No. E50160, is revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Ruth Harris, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 28th day of August 1996.

BOARD OF EXAMINERS FOR NURSING

By

